

# PATENT COOPERATION TREATY

From the  
INTERNATIONAL SEARCHING AUTHORITY

To:

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# PCT

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Date of mailing  
(day/month/year)

**07 -12- 2004**

Applicant's or agent's file reference

**S 245 PCT**

**FOR FURTHER ACTION**

See paragraph 2 below

International application No.

**PCT/SE 2004/001148**

International filing date (day/month/year)

**26.07.2004**

Priority date (day/month/year)

**08.08.2003**

International Patent Classification (IPC) or both national classification and IPC

**B65B 67/12**

Applicant

**Stern, Leif**

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

## 2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further opinions, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/SE

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**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/SE 2004/001148

**Box No. I**

**Basis of this opinion**

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.  
☐ This opinion has been established on the basis of a translation from the original language into the following language, \_\_\_\_\_, which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
  - a. type of material  
☐ a sequence listing  
☐ table(s) related to the sequence listing
  - b. format of material  
☐ in written format  
☐ in computer readable form
  - c. time of filing/furnishing  
☐ contained in the international application as filed.  
☐ filed together with the international application in computer readable form.  
☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

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**Box No. V** Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	<u>1-10</u>	YES
	Claims	_____	NO
Inventive step (IS)	Claims	_____	YES
	Claims	<u>1-10</u>	NO
Industrial applicability (IA)	Claims	<u>1-10</u>	YES
	Claims	_____	NO

2. Citations and explanations:

The most relevant documents cited in the International Search Report are:

D1: US 4457483 A  
D2: US 6296212 B1

D1 discloses a screen (22) for holding refuse sacks (42) open. The screen consists of elastic material and is compressible from a rectangular shape to a cylindrical shape. The screen is inserted into the refuse sack. The screen is shorter than the refuse sack such that open parts of the refuse sack can be folded into the screen. Locking device (32, 34) is provided to lock the open parts of the refuse sack and the screen to each other. See figures 6-13.

D2 also discloses a screen (10) for holding refuse sacks (12) open. The screen consists of elastic material and is compressible from a rectangular shape to a cylindrical shape. The screen is formed to a cylindrical shape and inserted into the refuse sack, then the screen is allowed to spring out to a semi cylindrical shape and thereby the sack is stretched. The screen is provided with handles (22, 24, 26). See figures 1-3e.

D1 is considered to be the closest prior art

The invention according to claim 1 differs from D1 in that the screen is designed to stretch the refuse sack. This difference implies that the sack is better attached to the

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Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

Continuation of: BOX V

screen and is better protected thereby. Consequently, the problem to be solved is how to make the sack better attached to the screen.

A person skilled in the art facing this problem knows from D2 that if the screen is designed to stretch the refuse sack, the sack is better attached to the screen. Therefore, it is considered obvious to the person skilled in the art to modify the screen in D1 so that the sack is stretched by the screen. The invention according to claim 1 is not considered to differ substantially from what is previously known.

Also claims 2, 4, 6-8, 10 are not considered to differ substantially from what is previously known.

In view of what is known from the aforementioned documents, it is not considered to require any inventive work by a person skilled in the art to provide a screen as described in claims 3, 5 and 9. Accordingly, the invention claimed in claims 3, 5 and 9 does not involve an inventive step.